

Introduced by

Energy and Natural Resources Committee

(At the request of the Department of Environmental Quality)

1 A BILL for an Act to amend and reenact subdivision vv of subsection 2 of section 12-60-24 and
2 section 23.1-01-11.1 of the North Dakota Century Code, relating to environmental compliance
3 background reviews of applicants for a radioactive materials license or solid waste permit.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subdivision vv of subsection 2 of section 12-60-24 of the North
6 Dakota Century Code is amended and reenacted as follows:

7 vv. The department of environmental quality for a final applicant for a job opening ~~or,~~
8 a current employee with the department; ~~an individual being investigated by the~~
9 ~~department;~~ or, when requested by the department, an applicant for a
10 radioactive materials license under chapter 23.1-03 or a solid waste permit under
11 chapter 23.1-08 as provided in section 23.1-01-11.1.

12 **SECTION 2. AMENDMENT.** Section 23.1-01-11.1 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **23.1-01-11.1. Criminal history background checks.**

15 The

16 1. As part of an environmental compliance background review, the department may
17 require an applicant for a radioactive materials license under chapter 23.1-03 or a
18 solid waste permit under chapter 23.1-08 to complete a statestatewide and nationwide
19 criminal history record check as provided in section 12-60-24. If the applicant is not an
20 individual, the department may require an individual responsible for the applicant to
21 complete a state and a nationwide criminal history record check as provided in section
22 12-60-24. The applicant or responsible individual shall submit personal information
23 and fingerprints with the application necessary to complete the statestatewide and
24 nationwide criminal history background record check in the manner provided in

1 subsection 1 of section 12-60-24. All costs associated with the statestatewide and
2 nationwide criminal history record check are the responsibility of the applicant.

3 2. For purposes of this section, an "applicant" means the person applying for the license
4 or permit, and includes:

5 a. Each entity as defined in subsection 7 of section 10-01.1-02 that is, or is
6 proposed to be:

7 (1) A partner in a partnership as defined in subsection 19 of section 45-13-01;

8 (2) An entity holding ten percent or more of the applicant's debt;

9 (3) An entity holding ten percent or more of the applicant's equity; or

10 (4) The parent of a corporation as defined in subsection 46 of
11 section 10-19.1-01.

12 b. Each individual who has, or is proposed to have, any of the following
13 relationships with the applicant:

14 (1) A board member as defined in subsection 8 of section 10-19.1-01;

15 (2) A partner in a partnership as defined in subsection 19 of section 45-13-01;

16 (3) An officer as defined in section 10-15-29 or 10-19.1-52;

17 (4) A radiation safety officer as defined in North Dakota Administrative Code
18 subsection 34 of section 33.1-10-01-04;

19 (5) A holder of ten percent or more of the applicant's debt; or

20 (6) A holder of ten percent or more of the applicant's equity.

21 3. The department may deny an application for the issuance, renewal, transfer, or major
22 modification of a license or permit based on its environmental compliance background
23 review.

24 a. Reasons for denial include:

25 (1) The applicant has intentionally misrepresented or concealed any material
26 fact in a statement required under this section;

27 (2) The applicant has been convicted of a felony or pleaded guilty or nolo
28 contendere to a felony involving the laws of any state or the federal
29 government within five years preceding the application;

- 1 (3) The applicant has been adjudicated in contempt of an order of any court
2 enforcing the laws of this state or any other state or the federal government
3 within five years preceding the application; or
4 (4) The applicant has repeatedly violated any state or federal environmental
5 protection laws.
6 b. The department also shall consider the relevance of the offense to the business
7 to which the license or permit is issued, the nature and seriousness of the
8 offense, the circumstances under which the offense occurred, the date of the
9 offense, and the ownership and management structure in place at the time of the
10 offense.